

**AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY
MINUTES OF A PUBLIC HEARING**

DATE.....October 27, 2004
TIME.....7:00 P.M.
PLACE.....CO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Mark Hermodson
Ralph Webb
Gary Schroeder
Steve Clevenger
Ed Butz
Jean Hall

MEMBERS ABSENT

Edward Weast

STAFF PRESENT

Sallie Fahey
Krista Trout
Jay Seeger, Attorney
Bianca Bullock

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 27th day of October 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

I. APPROVAL OF MINUTES

Jean Hall moved to approve the minutes of the September 22, 2004 public hearing. Steve Clevenger seconded.

The motion carried by voice vote.

II. NEW BUSINESS

Sallie Fahey informed the board that **BZA-1677 – RAISOR POWER SPORTS REAL ESTATE I LLC** needs to be continued to the December 1, 2004 Area Board of Zoning Appeals public hearing at petitioner's request.

Jean Hall moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Steve Clevenger seconded and the motion carried by voice vote.

Jean Hall moved to continue **BZA-1677 – RAISOR POWER SPORTS REAL ESTATE I LLC** to the December 1, 2004 Area Board of Zoning Appeals Public Hearing. Steve Clevenger seconded and the motion carried by voice vote.

III. PUBLIC HEARING

1. BZA-1674 – BURKHART SIGN SYSTEM:

Petitioner is seeking the following two variances for a freestanding sign:

1. To allow a 5' setback from the right-of-way of Schuyler Avenue instead of the required 24' (UZO 4-8-6);
2. To allow 173 square feet of freestanding signage instead of the maximum allowed 100 square feet;

For a new Goodyear store on property located at 2700 Schuyler Avenue in Fairfield Township, Longlois Reserve (E1/2) 23-4. (UZO 4-8-6)

CONTINUED FROM THE SEPTEMBER MEETING BECAUSE OF A PUBLISHING ERROR, THIS CASE MUST BE HEARD THIS MONTH.

Jean Hall moved to hear and vote on the above-described request. Steve Clevenger seconded.

Krista Trout presented slides of the zoning map, two aerial photos, one site plan and seven photos of the property. She read the staff report with recommendation of denial of both requests.

Alice Buckley, Burkhart Advertising 1475 Navco Drive, Lafayette IN, explained that Goodyear requires a certain type of signage to be displayed on this property. She said it is very important for the petitioner to have a visible sign as he does not expect walk-in traffic, but rather needs to be easy-to-find for semi-truck drivers coming from Interstate 65. She said the current monument sign does not provide the visibility the petitioner desires.

Jean Hall asked if a billboard would be a viable option as a secondary use.

Krista Trout said that a billboard has to be located 300' from residences off of the road and also 1000' all other billboards.

Jean Hall suggested moving the sign farther back to meet the setback requirement.

Alice Buckley responded the petitioner does not want a sign in the middle of the parking lot.

Jean Hall pointed out the business across the street from the petitioner's property. He asked how far back their free-standing sign is from the Schuyler Avenue right-of-way.

Krista Trout answered that staff does not know.

Jean Hall asked if the change from State Road 25 to Schuyler Avenue has had any effect on the signage requirement.

Sallie Fahey responded that even though it is no longer State Road 25, it is still classified as a primary arterial. She explained that permitted signage is determined by factors that affect visibility, such as building setback, speed limit on the road, and zoning district.

Ed Butz asked where State Road 25 is now located.

Sallie Fahey said State Road 25 is routed along I-65.

Mark Hermodson explained that the sign ordinance was liberalized in 1998 and he cannot support anything that creates an unfair advantage for one company over another.

The Board voted by ballot 0 yes – 6 no to deny **BZA-1674 – BURKHART SIGN SYSTEM VARIANCE REQUEST #1.**

The Board voted by ballot 0 yes – 6 no to deny **BZA-1674 – BURKHART SIGN SYSTEM VARIANCE REQUEST #2.**

Mark Hermodson stated that unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

IV. ADMINISTRATIVE MATTERS

Sallie Fahey reminded the board that the November and December Area Board of Zoning Appeals meeting are combined into one on Wednesday, December 1, 2004.

V. ADJOURNMENT

Jean Hall moved for adjournment. Steve Clevenger seconded and the motion carried by voice vote.

The meeting adjourned at 8:30 P.M.

Respectfully submitted,

A handwritten signature in cursive script that reads "Bianca Bullock".

Bianca Bullock
Recording Secretary

Reviewed by,

A handwritten signature in cursive script that reads "Sallie Dell Fahey".

Sallie Dell Fahey
Executive Director